IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.06.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM

AND

THE HON'BLE MR. JUSTICE V. DHANAPALAN

WRIT APPEAL NO.790 of 2006

and MP.No.2 of 2006

The Chairman & Managing Director
The Tamil Nadu Civil Supplies Corpn. Ltd.,
42 Thambusamy Road
Kilpauk, Chennai 600 010. .. Appellant

vs.

1. M. Anandan

2. The Presiding Officer
   Principal Labour Court
   Chennai 600 104. .. Respondents

Writ Appeal filed under Clause 15 of the Letters of Patent against the order of the learned Judge Mr. Justice P.D. Dinakaran, dated 24.11.2005 made in WPMP.No.35220 of 2005 in WP.No.16768 of 1997.

For appellant : Mr. V. Perumal

For respondents: Mr. C. Kamadevan for R.1

JUDGMENT

(Judgement of the Court was delivered by P. SATHASIVAM,J.)

The writ appeal is directed against the order of the learned single Judge dated 24.11.2005 made in WPMP.No.35220 of 2005 in WP.No.16768 of 1997, in and by which the learned Judge dismissed the said petition filed for condonation of delay of 222 days in filing the restoration petition against the dismissal order made in WP.No.16768 of 1997 dated 18.01.2005.

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2. Mr. C. Kamadevan, takes notice for the contesting first respondent.

3. It is brought to our notice that when the WPMP.No.35220 of 2005 listed on 26.04.2004 and 11.09.2004, Mr. Perumal's name was mentioned on behalf of the writ petitioner in the cause list, however, according to him, in the cause list dated 18.01.2005, his name did not appear, due to which he failed to appear before the learned Judge and the petition was dismissed for default. According to the learned counsel for the appellant though this aspect was projected before the learned Judge, the same was not accepted.

4. On going through the materials placed and in the light of the statement made by the learned counsel, we accept the explanation offered and set aside the order dated 24.11.2005 made in WPMP.No.35220 of 2005.

5. The learned counsel appearing for the first respondent fairly states that inasmuch as the writ petition is of the year 1997, he has no objection in setting aside the earlier order dated 18.01.2005, dismissing the writ petition for default and restoring the same on its file. The stand taken by the first respondent is appreciable one.

6. In the light of the above statement, delay in filing restoration petition is condoned and the earlier order dated 18.01.2005, dismissing the writ petition for default is also set aside.

7. In view of the above order, which is passed with the consent of the first respondent, Office is directed to post Writ Petition No.16768 of 1997 for final hearing before the concerned Judge dealing with the subject within a period of two weeks.

The writ appeal is disposed of accordingly . No costs. Consequently, connected MP., is closed.

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Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

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To

1. The Presiding Officer
   Principal Labour Court
   Chennai 600 104.

2. The Section Officer,
Writ Section,
High Court, Madras.
(Post the W.P.16768 of 1997 before
the concerned Judge within a period
of two weeks)

1 cc to Mr.V.Perumal, Advocate, Sr. 27864
2 ccs to Mr.S. Kamadevan, Advocate, Sr. 27476

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